
CONCISE STATEMENT OF REASONS FOR AND AGAINST ADOPTION OF RULE

Alabama Administrative Code §580-1-1-.19 Management Steering Committee (MSC)

Pursuant to the provisions of *Code of Ala. 1975, §41-22-5 (a) (2)*, the following is submitted concerning the repeal of *Alabama Administrative Code § 580-1-1-.19*, Management Steering Committee:

On December 31, 2013, the Alabama Department of Mental Health published in the *Alabama Administrative Monthly*, an intent to adopt a rule to repeal *Alabama Administrative Code § 580-1-1-.19*, pertaining to the MSC. By letter of February 3, 2014, within the permitted time for comment, The Arc of Alabama, submitted its objection to the proposed repeal, stating:

“[W]e do not agree that repealing the DMH Management Steering Committee and its process (*sic*), as contained in the Alabama Administrative Code, and replacing it with a Department Policy issued by the Commissioner, will insure the ongoing dialogue between DMH and its stakeholders into the future. We request that you and the Department, with the active input and support of all stakeholders, develop a new Management Steering Committee process that would be published and included in the Alabama Administrative Code.”

During its July 2013 meeting, the members of the MSC noted by consensus that the Committee was no longer effectively serving the purposes for which it was created, and that the next meeting would be dedicated exclusively to further discussion of the future of the Committee. At that meeting, held on September 24, 2013, further discussion on the matter was held. The following is quoted from the minutes of that meeting (voted on and approved at the MSC meeting of October 23, 2013):

After this discussion a motion was made to recommend to the Commissioner that he repeal Administrative Code section (Alabama Administrative Code §580-1-1-.19) and replace it in the Code. This motion did not receive a second and died. Another motion was made that the MSC Code provision be repealed by the Commissioner to be replaced by another process to be determined at a later date. The motion was seconded, discussion was had, a vote was taken and the motion carried with no dissenting votes.

The Arc of Alabama was represented at this meeting and, as indicated in the minutes, voiced no dissent. Significantly, even if they had, the overwhelming majority vote of all other members of the Committee would have carried in favor of the recommendation to repeal. Moreover, the proposal The Arc is now advancing (inclusion of a new process in the Administrative Code) was rejected by the Committee when a motion to do exactly that failed to get a second and died (see above quoted minutes). Thus, adopting the rule as now proposed by the Department, that is, repeal of *Administrative Code §580-1-1-.19*, is clearly consistent with the expressed and documented desires of every other member of the Committee except the Arc of Alabama. Finally, in the interim, with the input of all DMH stakeholders, the Commissioner of DMH has issued DMH Policy Number 1-20, creating a new stakeholder forum to be known as the Management Advisory Committee.